

Filed
APR 25 2018
Missouri Ethics
Commission

**BEFORE THE
MISSOURI ETHICS COMMISSION**

MISSOURI ETHICS COMMISSION,)	
)	
Petitioner,)	
)	Case No. 17-0075-I
v.)	
)	
GREENE COUNTY,)	
)	
Respondent.)	

**JOINT STIPULATION OF FACTS, WAIVER OF HEARING
BEFORE THE MISSOURI ETHICS COMMISSION, AND
CONSENT ORDER WITH JOINT PROPOSED
FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The undersigned parties jointly stipulate to the facts and consent to the action set forth below.

Greene County Commissioners Bob Cirtin and Harold Bengsch; Greene County, through a vote of its Commission; and Greene County Sheriff James Arnott, agreed to enter into this Joint Stipulation of Facts, Waiver of Hearing before the Missouri Ethics Commission, and Consent Order with Joint Proposed Findings of Fact and Conclusions of Law as follows:

The undersigned Respondent, Greene County, acknowledges that it has received and reviewed a copy of the Complaint filed by the Petitioner in this case, and submits to the jurisdiction of the Missouri Ethics Commission.

The undersigned Respondent further acknowledges that it is aware of the various rights and privileges afforded by law, including but not limited to: the right to appear and be represented by counsel; the right to have all allegations against Respondent be proven upon the record by competent and substantial evidence; the right to cross-examine any witnesses appearing at the hearing against Respondent; the right to present evidence on Respondent's behalf at the hearing; and the right to a decision upon the record of the hearing. Being aware of these rights provided to

Respondent by operation of law, the undersigned Respondent knowingly and voluntarily waives each and every one of these rights and freely enters into this Joint Stipulation of Facts, Waiver of Hearing before the Missouri Ethics Commission, and Consent Order with Joint Proposed Findings of Fact and Conclusions of Law, and agrees to abide by the terms of this document.

I.

Based upon the foregoing, the Petitioner and the undersigned Respondent jointly stipulate to the following and request that the Missouri Ethics Commission adopt as its own the Joint Proposed Findings of Fact and the Joint Proposed Conclusions of Law, as follows:

JOINT PROPOSED FINDINGS OF FACT

1. The Missouri Ethics Commission is an agency of the State of Missouri established pursuant to Section 105.955, RSMo, in part for the purpose of enforcing the provisions of Chapter 130, RSMo.
2. Greene County is a first class county governed under the provisions of Chapters 49 and 50, RSMo, and a political subdivision of the State of Missouri.
3. On November 7, 2017 the voters of Greene County approved a one-half ("½") of one percent (1%) general revenue sales tax measure.
4. Pursuant to Sections 105.957 and 105.961, RSMo, the Commission's staff investigated a complaint filed with the Missouri Ethics Commission and reported the investigation findings to the Commission. That complaint alleged the misuse of taxpayer funds in the November 7, 2017 election, which included but was not limited to alleged violations of Section 115.646, RSMo, which generally prohibits officials and employees of political subdivisions from using public funds to engage in advocacy relating to ballot measures. The complaint also alleged violations of Section 130.047, RSMo, which would have required Greene County to file non-committee expenditure reports to the extent any of its expenditures were deemed to have been in support of the

sales tax measure. The Missouri Ethics Commission found no reasonable grounds to support one or more violations of chapter 115 RSMo or Section 130.047, RSMo by the Greene County Commissioners or by the Greene County Sheriff.

5. Based on the investigation report, the Commission determined that there were reasonable grounds to believe that violations of Chapter 130 occurred, as to Section 130.031.8, RSMo, and it therefore authorized a hearing in this matter pursuant to Section 105.961.3, RSMo.

6. Respondent Greene County entered into a contract with Shockey Consulting in October 2017 for the production of push cards designed to “educate the public on the sales tax ballot issue and the benefits to the community.” The push cards were for a one-half (“½”) of one percent (1%) general revenue sales tax ballot measure for the November 7, 2017 election.

7. In October 2017, Respondent Greene County ordered push cards relating to the one-half (“½”) of one percent (1%) general revenue sales tax ballot measure from Largent Printing.

8. Later in October 2017, the push cards were published in two different runs, and as outlined below, the paid for by disclosure statement on the push cards published in the first run differed from the push cards published in the second run. Greene County Commissioners Cirtin and Bengsch reviewed and edited the push cards prior to the publication of the first run. This first publication is not the subject of the Complaint. Greene County Commissioners Cirtin and Bengsch, and Greene County Sheriff James Arnott participated in the distribution by handing the push cards out to Greene County residents.

9. In October 2017, both sets of push cards were printed by Largent Printing. Both sets of push cards were identical except for the paid for by disclosure statement. The initial publication of the push cards included a paid for by disclosure statement that read, “Paid for by Greene County.” The second publication included a paid for by disclosure statement that read, “Paid for by Greene County Sheriff’s Office.” The change to the paid for by disclosure statement was made just before

publication of the second set of cards based upon information that the Greene County Sheriff's Office had authorized payment from the fees from the Sheriff's Fee Fund, a fund within the Greene County budget. In November 2017, Respondent Greene County drafted two checks to Largent Printing for \$327.00 and \$379.00, respectively, for the push cards.

10. The second set of push cards with the paid for by disclosure that read, "Paid for by Greene County Sheriff's Office," were incorrect as the push cards were purchased with a check drawn from the account of Greene County.

11. Greene County asserts it complied with the paid for by disclosure law by identifying the specific official who authorized the expenditure for the second set of push cards from the Sheriff's Fee Fund, rather than simply identifying Greene County.

JOINT PROPOSED CONCLUSIONS OF LAW

1. "Any person publishing, circulating, or distributing any printed matter relative to any candidate for public office or any ballot measure shall on the face of the printed matter identify in a clear and conspicuous manner the person who paid for the printed matter with the words "Paid for by" followed by the proper identification of the sponsor pursuant to this section." § 130.031.8, RSMo.

2. "[P]rinted matter" shall be defined to include any pamphlet, circular, handbill, sample ballot, advertisement, including advertisements in any newspaper or other periodical, sign, including signs for display on motor vehicles, or other imprinted or lettered material;...." § 130.031.8, RSMo.

3. The Commission finds there is probable cause to believe that Respondent Greene County violated Section 130.031.8, RSMo, by publishing, circulating and distributing push cards with an incorrect "Paid for by" disclosure.

II.

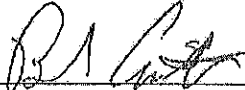
Based on the foregoing, the parties hereto mutually agree and stipulate that the following shall constitute the order entered by the Missouri Ethics Commission in this matter. This order will be effective immediately upon the issuance of the Consent Order of the Missouri Ethics Commission without further action by any party:


1. The parties understand that the Petitioner will maintain this Joint Stipulation as an open and public record of the Missouri Ethics Commission.
2. The Commission shall issue its Consent Order in the form attached hereto as Exhibit 1.
 - a. Respondent shall comply with all relevant sections of Chapter 130, RSMo.
 - b. It is the Order of the Missouri Ethics Commission that a fee is imposed against Respondent in the amount of \$100, pursuant to Section 105.961.4(6), RSMo. The fee will be paid by check or money order made payable to the Missouri Ethics Commission.
3. The parties consent to the entry of record and approval of this Joint Stipulation and to the termination of any further proceedings before the Commission based upon the Complaint filed by the Petitioner in the above action.
4. Respondent, together with its heirs, successors, and assigns, do hereby waive, release, acquit and forever discharge the Missouri Ethics Commission and its attorneys of or from any liability, claim, actions, causes of action, fees, costs and expenses, and compensation, including but not limited to, a claim for attorney's fees whatsoever which Respondent or Respondent's attorney may now have or which they may hereafter have, which are based upon or arise out of the above cases.

SO AGREED:

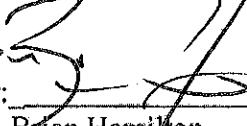
RESPONDENT GREENE COUNTY


PETITIONER MISSOURI ETHICS
COMMISSION


By:  4-23-18
Bob Cirtin Date
Greene County Commissioner

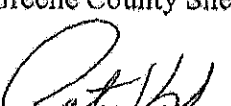
By:  4/24/18
James Klahr Date
Executive Director

By:  4-23-18
Harold Bengsch Date
Greene County Commissioner

By:  4/24/18
Brian Hamilton Date
Attorney for Petitioner

By:  4-23-18
Edward Greim Date
Attorney for Respondent

By:  4-23-18
James Arnott Date
Greene County Sheriff

By:  4-23-18
Patricia Keck Date
Attorney for Greene Co Sheriff

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CONSENT ORDER

The parties have filed a Joint Stipulation of Facts, Waiver of Hearing, and Proposed Consent Order with the Missouri Ethics Commission. Accordingly, the Missouri Ethics Commission accepts as true the facts stipulated and finds that Greene County violated Section 130.031.8, RSMo.

The Commission directs that the Joint Stipulation be adopted.

1. Respondent shall comply with all relevant sections of Chapter 130, RSMo.
2. It is the Order of the Missouri Ethics Commission that a fee is imposed against Respondent in the amount of \$100, pursuant to Section 105.961.4(6), RSMo. The fee will be paid by check or money order made payable to the Missouri Ethics Commission.

SO ORDERED this 25th day of April, 2018

By:



Don Summers, Chair
Missouri Ethics Commission